(4) (3)

IN THE MADHYA PRADESH ADMINISTRATIVE TRIBUNAL BENCH RAIPUR

O.A. NO. (436) OF *((1998))* WPS-2532/05

APPLICANT

Satish Chandra Hardiha s/o Shri Deo Narayan Hardiha aged about years Ex-Adhoc Teacher Village and Post Sarwani Tahsil Khariaya Distt. Raigarh

VERSUS

RESPONDENTS

1. State of Madhya Pradesh through Secretary School Education Deptt. Govt. of M.P. Mantralaya Vallabh Bhavan Bhopal.
2. Commissioner/Director of Public Instruction M.P. Near Chetak Bridge Bhopal.
3. Joint Director of Public Instruction Bilaspur Division Bilaspur.
4. Deputy Director of Public Instruction District Education Officer Bilaspur MP

(90)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2532/ सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

27-4-2006

Mr. K.N. Nande, counsel for the petitioner.

Mr. G.K. Beriwal, Deputy Advocate General for the State/respondents.

Initially, the petitioner had approached the State Administrative Tribunal, Bench at Raipur, which came to be abolished and therefore, this petition has been transferred to this Court and registered as W.P.No.2532/2005.

This petition was filed in the year 1998 in which the petitioner mentioned that the petitioner passed his B.Com examination in the year 1977. He was appointed as Upper Division Teacher on ad-hoc basis of Rs.350/- per month from 7-9-1982 and he joined on 13-9-1982. His appointment continued up to 30-4-1983. The services of the petitioner were terminated with effect from 1-5-1983. The petitioner was appointed against the post of Upper Division Teacher after due selection. Some similarly circumstanced ad-hoc teachers approached the High Court of Madhya Pradesh in the case of Bheru Singh vs. State of Madhya Pradesh & others decided on 25-3-1986, in which the Court passed the order that all such teachers who had been given appointment earlier, will be interviewed by the Statutory Selection Committee and the services of only those who would not be found fit to be appointed as teachers will be terminated, while the rest will become regular appointees. In the matter of Ku. Rahiya Khatoon vs. State of Madhya Pradesh & others similar order was passed by the M.P. High Court and again in Ram Sahay Jha vs. State of Madhya Pradesh & others, the Administrative Tribunal, Gwalior Bench, vide order dated 16-2-1996 passed an order to scrutinize the cases individually and if they are found eligible

[पीछे देखिये

आदेश पत्रक

मामला क्रमांक WP 2532/ सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

for appointment, then they be appointed. It has been mentioned that the case of the petitioner is similar, therefore, direct the respondents to re-appoint the petitioner as Upper Division Teacher and regularize the appointment after asking him to face the Statutory Selection Committee.

Return has been filed on behalf of the State/respondents in which it has been mentioned that the petitioner was appointed only for academic year 1981-82 and he worked only up to 30th April, 1982, thereafter, he neither worked nor was appointed. The petitioner was appointed initially for 89 days and thereafter with break he worked up to 30th April, 1982. This petition has been filed after a gap of 17 years, therefore, the petition is liable to be dismissed.

I have heard learned counsel for the parties.

In Annexure A-4 filed by the petitioner which was issued on 6-3-1998, it has been mentioned that the petitioner was appointed vide order dated 7-9-1982 on ad-hoc basis at the rate of Rs.350/- per month, he took charge on 13-9-1982 and worked up to 3-4-1983. Therefore, the petitioner worked for about 7 ½ months on ad-hoc basis, thereafter, remained silent and approached the Tribunal only in the year 1998 i.e. after 15 years. There is nothing on record that his appointment was against the substantive sanctioned vacant post and moreover the petitioner has by now crossed the age of 50 years, as such the petitioner's petition is liable to be dismissed on the following counts:

1. The petitioner's appointment was purely ad-hoc, therefore, no right accrued in favour of the petitioner and there is nothing on record that his appointment was made against the permanent sanctioned post.

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(92) 3

आदेश पत्रक

मामला क्रमांक W.P.2532/ सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2. As per the decision of the Apex Court in the recent Constitution Bench judgment in the matter of **Secretary, State of Karnataka and others vs. Umadevi and others** reported in **2006 (4) SCALE 197**, temporary ad-hoc employees are not entitled for continuation and they cannot be regularized.

3. Moreover, this petition was filed only after 15 years of the termination of the petitioner, therefore, on the ground of latches also this petition deserves to be dismissed.

In the circumstances, the petition having no merit is dismissed. There will be no order as to costs.

Consequently, I.A.Nos.890/2006 & 891/2006 stand disposed of.

Sd/-
L.C. Bhadoo
Judge

[पीछे देखिये